



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: August 21, 2014

TO: Mary Ann Tsai, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal *JEG/ADK*
Office of the County Attorney

SUBJECT: Affidavit
SE 2014-HM-036
Applicant: Elaine M. Whitehurst
PC Hearing Date: 11/19/14
BOS Hearing Date: 12/2/14

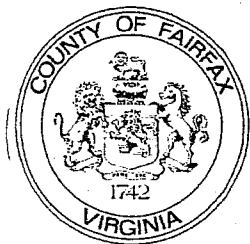
REF.: 126029

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 3/29/14, which bears my initials and is numbered 126029, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Jonathan Buono, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

126029
COUNTY OF FAIRFAX

Department of Planning and Zoning

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, VA 22035 (703) 324-1290, TTY 711

www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No:

SE 2014-HM-036

(Staff will assign)

RECEIVED

Department of Planning & Zoning

MAR 31 2014

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

6/11/14 dlp.

APPLICANT	NAME ELAINE M. WHITEHURST DBA Whitehurst Family Daycare
	MAILING ADDRESS 13174 DIAMOND MILL DR. HERNDON, VA 20171
	PHONE HOME (703) 793-0460 WORK (703) 793-0460
	PHONE MOBILE (703) 943-6633
PROPERTY INFORMATION	PROPERTY ADDRESS 13174 DIAMOND MILL DR. HERNDON, VA 20171
	TAX MAP NO. 0163 07 0069 SIZE (ACRES/SQ FT) 2,496
	ZONING DISTRICT PDH-8 MAGISTERIAL DISTRICT HUNTER MILL
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION SECT. 9-006 & 8-305
	PROPOSED USE HOME CHILDCARE FACILITY FOR 9 CHILDREN
AGENT/CONTACT INFORMATION	NAME
	MAILING ADDRESS
	PHONE NUMBER HOME WORK
	PHONE NUMBER MOBILE
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact
The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.	
ELAINE M. WHITEHURST TYPE/PRINT NAME OF APPLICANT/AGENT	
Elaine M. Whitehurst SIGNATURE OF APPLICANT/AGENT	

DO NOT WRITE IN THIS SPACE

Date application accepted: June 25, 2014

Application Fee Paid: \$ 435.00

SPECIAL EXCEPTION AFFIDAVIT

DATE: MARCH 29, 2014
(enter date affidavit is notarized)

I, ELAINE M. WHITEHURST, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

126029

in Application No.(s): SE 2014-HM-036
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
ELAINE M. WHITEHURST (DBA-WHITEHURST FAMILY DAYCARE)	13174 DIAMOND MELL DR. HERNDON, VA 20171	APPLICANT / LESSEE
JOERG ZENDER and KIRSTEN STEINHÄUER-ZENDER	2411 NE 14th St. RENTON, WA 98056	OWNERS

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

JEM

SPECIAL EXCEPTION AFFIDAVIT

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 (enter date affidavit is notarized)

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for Application No. (s): SE 2014-HM-036
 (enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

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 (enter date affidavit is notarized)

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for Application No. (s): SE 2014-HM-036
 (enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: MARCH 29, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2014-HM-036
(enter County-assigned application number(s))

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1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2014-HM-036
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL EXCEPTION AFFIDAVIT

DATE: MARCH 29, 2014
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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) ☒ Elaine M. Whitehurst Applicant ☐ Applicant's Authorized Agent

ELAINE M. WHITEHURST APPLICANT / LESSEE
(type or print first name, middle initial, last name, and & title of signee)
(DBA- WHITEHURST FAMILY DAYCARE)

Subscribed and sworn to before me this 29th day of MARCH 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Linda A. Manson
Notary Public

My commission expires: 3/31/2014



Linda A Manson
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7016164
My Commission Expires
3/31/2014

5em

OWNER CONSENT/AGENT AUTHORIZATION STATEMENT

126029

To Whom It May Concern:

I/We, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Elaine M. Whitehurst to act as agent(s) in the furtherance of an application for a special permit on property located at: 13174 Diamond Mill Drive, Herndon, VA 20171 Tax Map No. 0163 07 0069.

Thank you in advance for your cooperation.

Date: 8/15/2014

By: Joerg Zender

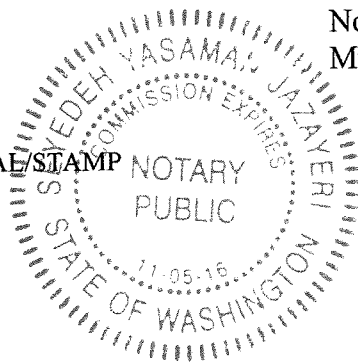
JOERG ZENDER/TITLE OWNER

COMMONWEALTH/STATE OF: Washington
CITY/COUNTY OF: King, TO WIT:

The foregoing instrument was acknowledged before me this 15th day of August, 2014, by Joerg Zender.

S.Y. Japayin
Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: 11-05-2016

AFFIX NOTARY SEAL/STAMP



ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Owner Consent/Agent Authorization Statement

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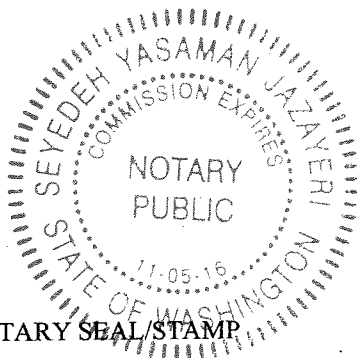
126029

Date: 8/15/2014

By: [Signature]
KIRSTEN STEINHAUER-ZENDER
CO-TITLE OWNER

COMMONWEALTH/STATE OF: Washington
CITY/COUNTY OF: King, TO WIT:

The foregoing instrument was acknowledged before me this 15th day of August,
2014, by Kirsten Steinhauer-Zender.



AFFIX NOTARY SEAL/STAMP

[Signature]
Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: 11-05-2016